

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**DAVID S. GRONIK, JR., et al.,
Plaintiffs,**

v.

Case No. 10-CV-954

**SUSAN BALTHASAR, et al.,
Defendants,**

and

**SHOREWEST REALTORS, INC.,
CONTINENTAL CASUALTY COMPANY, and
ANNE SCHWARTZ,
Third-Party Defendants,**

and

**OPIO BOAT MOON, LLC, et al.,
Plaintiffs,**

v.

Case No. 11-CV-697

**CHUBB INDEMNITY INSURANCE COMPANY,
Defendant.**

ORDER

The Balthasars, defendants in this case, have filed a letter asking this court to enter an order compelling Time Warner Cable to respond to a subpoena for a deposition. The proper procedure when a party refuses to comply with a subpoena is to file a motion to compel under Fed. R. Civ. P. 37 explaining why it is necessary for the court to enter an order compelling discovery. Along with the motion to compel, movant must also file “a certification that the movant has in good faith conferred or attempted to confer with the

person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1).

THEREFORE, IT IS ORDERED that the Balthasars’ request for an order compelling Time Warner Cable to respond to the subpoena [DOCKET #210] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 23rd day of October 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge